

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

RUDY GARCIA

PLAINTIFF

v.

Civil No. 5:16-cv-05279

DEPUTY AUSTIN MURPHY; DEPUTY
TREY KELL; and DEPUTY BRADEN

DEFENDANTS

JUDGMENT

This is a civil rights action filed by the Plaintiff pursuant to 42 U.S.C. § 1983. Plaintiff proceeds *pro se* and *in forma pauperis*.

When he filed this action, Plaintiff was incarcerated in the Benton County Detention Center in Bentonville, Arkansas. Plaintiff was advised that he had the obligation to immediately notify the Court of any changes in his address (Doc. 3).

Plaintiff was subsequently transferred to the Arkansas Department of Correction. He did not notify the Court of his change of address. Rather, court staff located the Plaintiff's new address and entered a change of address on his behalf on January 17, 2017.

On March 22, 2017, Defendants filed a motion to dismiss (Doc. 18) based on the Plaintiff's failure to comply with Rule 5.5(c)(2) of the Local Rules for the Eastern and Western Districts of Arkansas. Rule 5.5(c)(2) advises *pro se* parties that they have the obligation to keep the Court informed of changes in their address. By affidavit, Defendants indicate that when they attempted to mail the Plaintiff their initial disclosures, the correspondence was returned to them with the notation that Plaintiff had been paroled.

On March 29, 2017, a show cause order (Doc. 21) was entered. Plaintiff was given until April 17, 2017, to show cause why this case should not be dismissed based on his failure to prosecute this action and his failure to obey an order of the Court. Plaintiff was advised that failure to respond to the show cause order would result in the dismissal of this case.

Plaintiff did not respond to the show cause order. He has not provided the Court with his new address.

IT IS CONSIDERED, ORDERED, and ADJUDGED that Defendants' motion to dismiss (Doc. 18) is GRANTED and the Complaint is DISMISSED WITH PREJUDICE based on Plaintiff's failure to prosecute this case and his failure to obey the orders of the Court. Fed. R. Civ. P. 41(b).

IT IS SO ADJUDGED this 26th day of April, 2017.

/s/ P. K. Holmes, III

P. K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE